

Int. No.

By Council Members Lander, Williams and Van Bramer

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to prohibiting non-disclosure agreements relating to development projects

Be it enacted by the Council as follows:

1 Section 1. Chapter 1 of title 6 the administrative code of the city of New York is amended
2 by adding a new section 6-143 to read as follows:

3 § 6-143 Non-disclosure agreements relating to city development projects prohibited. a.

4 Definitions. For purposes of this section, the following terms have the following meanings:

5 City development project. The term “city development project” means a project undertaken
6 by the city or a city economic development entity for the purpose of improvement or development
7 of real property, economic development, job retention or growth, or other similar purposes.

8 City economic development entity. The term “city economic development entity” means a
9 local development corporation, not-for-profit organization, public benefit corporation or other
10 entity that provides or administers economic development benefits on behalf of the city pursuant
11 to paragraph b of subdivision 1 of section 1301 of the charter.

12 Developer. The term “developer” means any person that owns or leases real property that
13 is part of a city development project, or any assignee or successor in interest of such real property.

14 Project agreement. The term “project agreement” means a legal binding written agreement
15 between the city or city economic development entity and a developer providing for economic
16 development benefits targeted to a city development project.

17 b. The city or a city economic development entity shall not, at any point during negotiations
18 with a prospective developer regarding a prospective city development project, enter into any

1 agreement or contract containing any provision, clause or language that prevents disclosure of any
2 information or record relating to such city development project. The provisions of this subdivision
3 apply to (i) any agreement or contract relating to a prospective city development project entered
4 into by the city or a city economic development entity prior to the execution of a project agreement
5 and (ii) any project agreement entered into by the city or a city economic development entity.

6 c. Any provision, clause or language contained in any agreement or contract entered into
7 by the city or a city economic development entity that violates this section has no force and effect.

8 d. Nothing in this section requires disclosure of information that is otherwise prohibited or
9 exempted from disclosure by applicable federal, state or local law.

10 e. This local law does not apply to any project agreement executed prior to the effective
11 date of this local law, except that extension, renewal, amendment or modification of such project
12 agreement, occurring on or after the effective date of this local law, that results in the grant of any
13 additional economic development benefits to a developer shall make such developer subject to the
14 requirements of this local law.

15 § 2. This local law takes effect 180 days after it becomes law.

MHL
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